Claims 13-22 have been cancelled as being directed to a non-elected invention.

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Juda (US 3,124,520) in view of Wanngard (US 5,419,818).

Juda relates to electrolytic processes involving electrochemical conversion, concentration, or dilution of electrolyte solutions by means of ion exchange membrane cells resulting in direct current energy savings (col.1, l.10-23). The electrolytic cell used comprises at least one fuel or oxidant-containing electrode which means that the cathode is not necessarily an oxidant-containing electrode (or a gas diffusion electrode as defined in claim 1 of the present application).

Juda does not specifically disclose an objective of electrolytic processes involving production of chlorate or concentrated chlorate electrolytes. Juda is thus also silent on transferral of an electrolysed solution from the anode compartment to a chlorate reactor to produce a concentrated alkali metal chlorate electrolyte. Juda is also silent on production of alkali metal chlorate of diluted chlorate electrolytes.

A skilled person aiming at employing a divided cell for electrolysis in general as taught in Juda without a chlorate reactor connected to said cell would not be motivated to incorporate such a chlorate reactor to the cell of Juda because such a chlorate reactor is only applicable for production of chlorate whereas most electrolysis processes do not involve production of chlorate at all.

In contrast to Juda, the process as disclosed in Wanngard involves production of alkali metal chlorate incorporating a chlorate reactor (5). Wanngard is silent on providing a divided electrolytic cell comprising a gas diffusion electrode in a cathode compartment. Therefore,

Wanngard is also silent on introducing an oxygen-containing gas in such a cathode compartment (cf. claim 1 of the application as claimed).

Since the objective of Juda is not primarily to produce alkali metal chlorate, it would not be obvious for a skilled person to combine Juda with Wanngard to arrive at the presently claimed invention because a skilled person would not be incited from Juda to produce chlorate at all (cf. discussion above). It is clear from the above divergences that Juda and Wanngard are not compatible. Even though the object of Juda specifically would be to provide alkali metal chlorate, a skilled person would still not combine the teachings of Juda and Wanngard since Wanngard relates to a process of producing alkali metal chlorate with conventional electrodes, i.e. without the use of a fuel or oxidant-containing electrode as set out in Juda.

The invention as defined in claim 1 is thus novel and non-obvious. Since claims 2-12 depend from claim 1, these claims are also novel and non-obvious.

Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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